

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954)797-1101

SUBJECT: Quasi Judicial Hearing: Variance
V 2-2-01 Jeffrey Evans/Archdiocese of Miami, 1301 SW 136
Avenue/Generally located at the northwest corner of SW 136 Avenue
and SW 14 Street

TITLE OF AGENDA ITEM:

V 2-2-01, Evans/Archdiocese of Miami, 1301 SW 136 Avenue (CF)

REPORT IN BRIEF: The applicant is proposing to construct a 23,850 square foot church with a steeple seventy-five (75') feet in height with a metal cross on top for a total height of eighty-eight feet eight inches (88'8"). The sanctuary will be located adjacent to the existing sanctuary building on the southeast corner of site, which will become a multi-use/gymnasium building. The multi-propose building and existing school will not be utilized when the new sanctuary is in use, according to the applicant, which will allow the facility to share parking.

The applicant is also proposing to eliminate twenty-five (25) needed parking spaces to accommodate the new sanctuary. In order to meet the open space requirements the applicant can not pave additional areas for parking, therefore the applicant is proposing to utilize grass overflow parking pursuant to Code Section 12-208(E) which allows 20 percent of the required parking as grass parking. However, the 20 percent grass parking allowance is not sufficient to allow the site to provide the required number of parking spaces, resulting in a parking deficiency of eighty-five (85) parking spaces. Therefore the applicant is requesting a 85 space variance from the 419 required spaces to 334 parking spaces. The applicant is proposing to mitigate the eighty-five (85) space reduction by providing one-hundred ninety (190) parking spaces in grassed overflow parking, for a total of 454 usable spaces, which exceeds the minimum Code required parking for the site.

PREVIOUS ACTIONS: Item was advertised incorrectly for the April 11, 2001 Planning and Zoning Board meeting/April 18, 2001 Town Council meeting.

CONCURRENCES: The Planning and Zoning Board recommended approval of the request at its 4/25/01 meeting. Ms. Moore made a motion, seconded by Mr. Waitkus, to approve both variances. (Motion carried 4-1 with Mr. Davis being opposed)

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to deny

Attachment(s): Justification letter, Land Use Map, Subject Site Map, Aerial

Application #: V 2-2-01

Revisions:

Exhibit "A"

Original Report Date: 4/27/01

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Archdiocese of Miami
Address: 1301 SW 136 Avenue
City: Davie, FL 33325
Phone: (954)424-9504

Agent:

Name: Jeffrey Evans
Address: 13730 SR 84 #221
City: Davie, FL 33325
Phone: (954)474-6974

BACKGROUND INFORMATION

Date of Notification: April 18, 2001 **Number of Notifications:** 63

Application History: Item was advertised incorrectly for the April 11, 2001 Planning and Zoning Board meeting/April 18, 2001 Town Council meeting.

Application Request: Two (2) variances **FROM:** Section 12-208(A)(5) of the Land Development Code which requires 419 parking spaces on the subject site **TO:** reduce the number of required parking spaces by 85 for a total of 334; **FROM:** Section 12-33(L) of the Land Development Code which allows steeples to be a maximum of forty-three feet nine inches (43'9") in height on the subject site **TO:** allow a steeple seventy-five (75') feet in height with a metal cross on top for a total height of eighty-eight feet eight inches (88'9").

Address/Location: 1301 SW 136 Avenue/Generally located at the northwest corner of SW 136 Avenue and SW 14 Street.

Future Land Use Plan Designation: Residential (3 DU/Acre)

Zoning: CF, Community Facilities District

Existing Use: 21,819 square foot parish hall, 9,772 square foot pre-school building, 41,127 square foot elementary school (3 buildings).

Proposed Use: 23,850 square foot church, 21,819 square foot parish hall, 9,772 square foot pre-school building, 41,127 square foot elementary school (3 buildings).

Parcel Size: 11.32 acres (493,099 square feet)

Surrounding Uses:

**Surrounding Land
Use Plan Designation:**

North:	Shenandoah	Residential (3 DU/AC)
South:	Single Family Residential	Residential (1 DU/AC)
East:	Western High School	Residential (5 DU/AC)
West:	Single Family Residential	Residential (3 DU/AC)

Surrounding Zoning:

North:	PRD-3.8, Planned Residential Development (3.8 DU/Acre)
South:	R-1, Estate Dwelling District
East:	CF, Community Facilities District
West:	R-1, Estate Dwelling District

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property:

1. Town Council approved the rezoning of this parcel from R-1 to CF on August 20, 1986.
2. Town Council approved the site plan for this parcel on August 9, 1995.

APPLICATION DETAILS

The applicant is proposing to construct a 23,850 square foot church with a steeple seventy-five (75') feet in height with a metal cross on top for a total height of eighty-eight feet eight inches (88'8"). The sanctuary will be located adjacent to the existing sanctuary building on the southeast corner of site, which will become a multi-use/gymnasium building. The multi-propose building and existing school will not be utilized when the new sanctuary is in use, according to the applicant, which will allow the facility to share parking.

The applicant is also proposing to eliminate twenty-five (25) needed parking spaces to accommodate the new sanctuary. In order to meet the open space requirements the applicant can not pave additional areas for parking, therefore the applicant is proposing to utilize grass overflow parking pursuant to Code Section 12-208(E) which allows 20 percent of the required parking as grass parking. However, the 20 percent grass parking allowance is not sufficient to allow the site to provide the required number of parking spaces, resulting in a parking deficiency of eighty-five (85) parking spaces. Therefore the applicant is requesting a 85 space variance from the 419 required spaces to 334 parking spaces. The applicant is proposing to mitigate the eighty-five (85) space reduction by providing one-hundred ninety (190) parking spaces in grassed overflow parking, for a total of 454 usable spaces, which exceeds the minimum Code required parking for the site.

Applicable Codes and Ordinances

1. Section 12-208(E) of the Land Development Code allows churches to provide twenty (20) percent of the required parking as grassed parking.
2. Section 12-208(A)(5) of the Land Development Code requires churches to provide one (1) parking space for each thirty (30) square feet of auditorium or chapel area, plus one (1) space for each Sunday School classroom.

3. Section 12-83 of the Land Development Code limits the height of structures in CF, Community Facilities Districts to thirty-five (35) feet.
4. Section 12-33(L) of the Land Development Code, Exclusions from Height Limits, states that cupolas, steeples and domes not exceeding in gross area at maximum horizontal section thirty (30) percent of the roof area and flag poles, airplane beacons, broadcasting towers, antennae, chimneys, stacks and tanks used only for ornamental or mechanical purposes may exceed the permissible height limit in any district by not more than twenty-five (25) percent.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 3. Planning Area 3 is bound by I-595 on the north side, I-75 on the west side, S.W. 14 Street on the south side and Flamingo Road on the east side. The planning area consists of residential uses developed at a density of 3 to 10 dwellings per acre, including the Shenandoah development, occupying the western half of the planning area, and several mobile home subdivisions.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies: None.

Staff Analysis

The request to reduce required parking is predicated on Code Section 12-208(E) which allows no more than 20 percent of required parking to be overflow in nature and located on grassed surface. Any grassed parking spaces beyond the twenty (20) percent do not count toward required parking. Therefore, although the applicant will provide the required number of spaces, it will exceed the 20 percent grassed parking limitation and will not be recognized by Code. If all spaces were allowed to be counted toward required parking, the applicant would be providing 454 parking spaces, which is 35 more spaces than required. In considering the request to reduce the number of required parking spaces on the subject site as recognized by Code, staff took into consideration the mitigating factor that the applicant will provide the spaces in grassed overflow areas. The applicant proposes total grassed parking equivalent to 43 percent of the required parking on-site.

Staff finds that the Land Development Code's allowance of up to twenty (20) percent of grassed parking to be a conservative standard given the once weekly use of church parking in many instances, particularly when no day school is associated with the church. The municipalities of Coral Springs, Parkland, and Miramar, for example, allow houses of worship to have seventy-five (75) percent grassed parking. Staff finds that a code amendment to support a higher percentage of grassed overflow parking is appropriate for houses of worship. Staff finds the applicant's request is practical and that the subject site will have adequate parking, but when applying the criteria for the requested variances, can not support the request without substantiation of special circumstances and unnecessary hardship.

Staff finds that the requested steeple of seventy-five feet (75') in height with a metal cross on top for a total maximum height of eighty-eight feet eight inches (88'8") to be an excessive request. Staff finds the variance request is predicated upon the aesthetics of the church design, and is therefore self-created in nature. No special circumstances have been

demonstrated to distinguish this proposed church from any other house of worship, such that an undue hardship exists. Staff does not find this request consistent with the Code, and finds that it may have a negative visual impact on the surrounding area.

Findings of Fact

Variances:

Section 12-309(B)(1):

1. The following findings of facts apply to variance request. FROM: Section 12-208(A)(5) of the Land Development Code which requires 419 parking spaces on the subject site **TO:** reduce the number of required parking spaces by 85 for a total of 334.

(a) There is not a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district, and that said circumstance or condition is such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought. The alleged hardship is self-created by persons having an interest in the property.

(b) The granting of the variance is not necessary for the reasonable use of the land or building and therefore the variance as requested is not the minimum variance that will accomplish this purpose.

The variance request will allow the proposed expansion which will accommodate the changing needs of the congregation while retaining open space, but is not necessary for reasonable use of the property given the site's reasonable size and substantial existing development.

(c) Granting of the requested variance, is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. The following findings of facts apply to variance request. FROM: Section 12-33(L) of the Land Development Code which allows steeples to be a maximum of forty-three feet nine inches in height on the subject site **TO:** allow a steeple seventy-five feet in height with a metal cross on top for a total maximum height of eighty-eight feet eight inches.

(a) There is not a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district, and that said circumstance or condition is such that the strict application of the provisions of this chapter would deprive the application of the reasonable use of such land or building for which the variance is sought. The alleged hardship is self-created by persons having an interest in the property.

(b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose.

(c) Granting of the requested variance, is not in harmony with the general purpose and

intent of this chapter and may be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation:

Variance Request 1:

FROM: Section 12-208(A)(5) of the Land Development Code which requires 419 parking spaces on the subject site **TO:** reduce the number of required parking spaces by 85 for a total of 334. Based upon the above and the mixed finding of fact, staff cannot support the request without demonstration of special circumstances and undue hardship and must recommend **denial**.

Variance Request 2:

FROM: Section 12-33(L) of the Land Development Code which allows steeples to be a maximum of forty-three feet nine inches in height on the subject site **TO:** allow a steeple seventy-five feet in height with a metal cross on top for a total maximum height of eighty-eight feet eight inches. Based upon the finding of facts in the negative, staff recommends **denial**.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the request at its 4/25/01 meeting. Ms. Moore made a motion, seconded by Mr. Waitkus, to approve both variances. (Motion carried 4-1 with Mr. Davis being opposed)

Exhibits

1. Justification letter
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by: _____



Jeffrey Evans Associates p.a.

April 9, 2001

Town of Davie Planning Department
6591 S.W. 45 Street
Davie, FL 33314

RE: Variance Items for St. Bonaventure Catholic Church

Dear Sirs:

The following is a list of the items required for Variance:

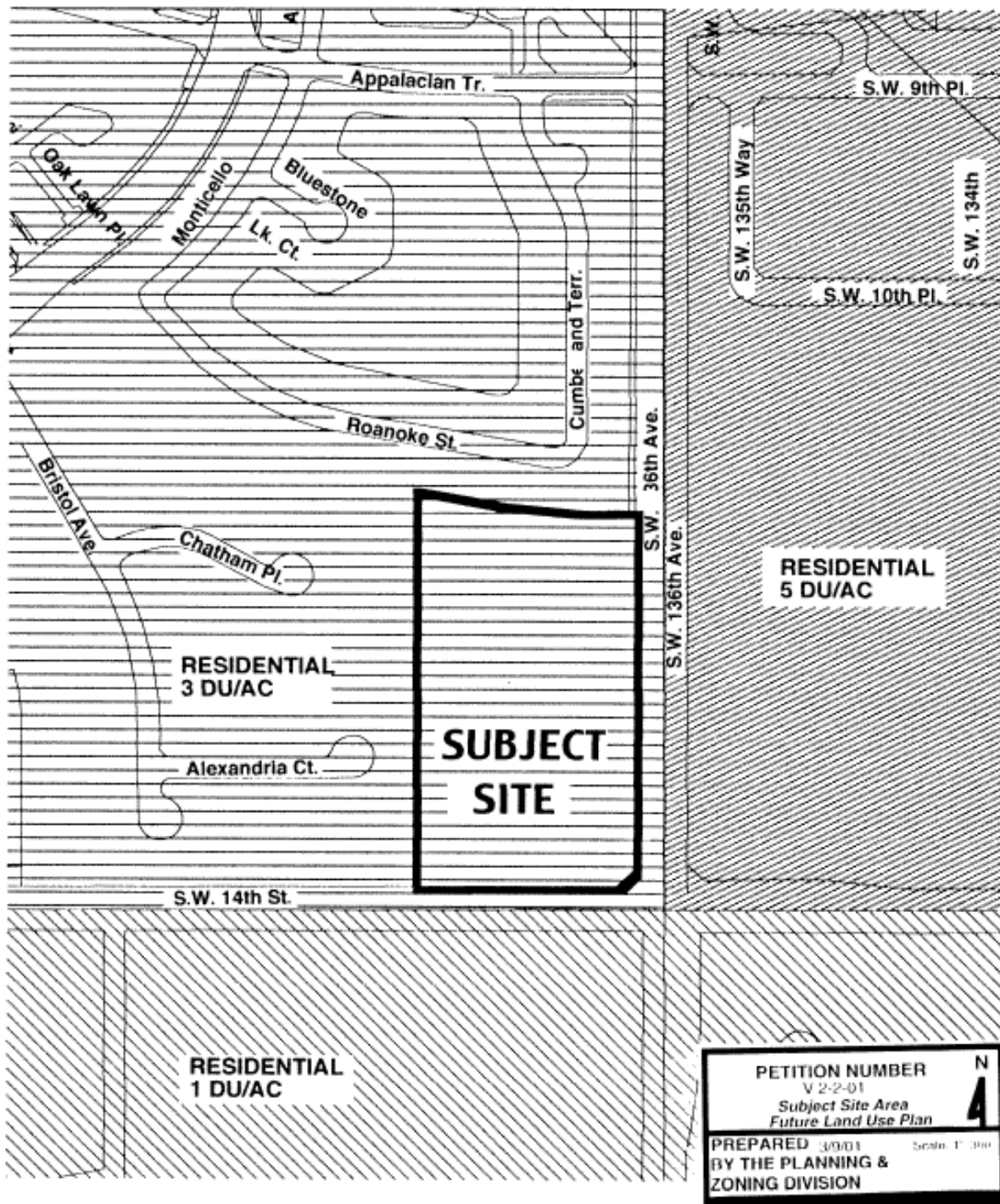
1. The use of a higher percentage of the total parking for overflow grass parking (approximately 42% grass parking of the amount provided).
2. Allow the steeple (bell tower) height of 75'-0" and metal Cross on top to maximum height of 88'-8", to exceed the height limits set forth in the code of 43'-9".

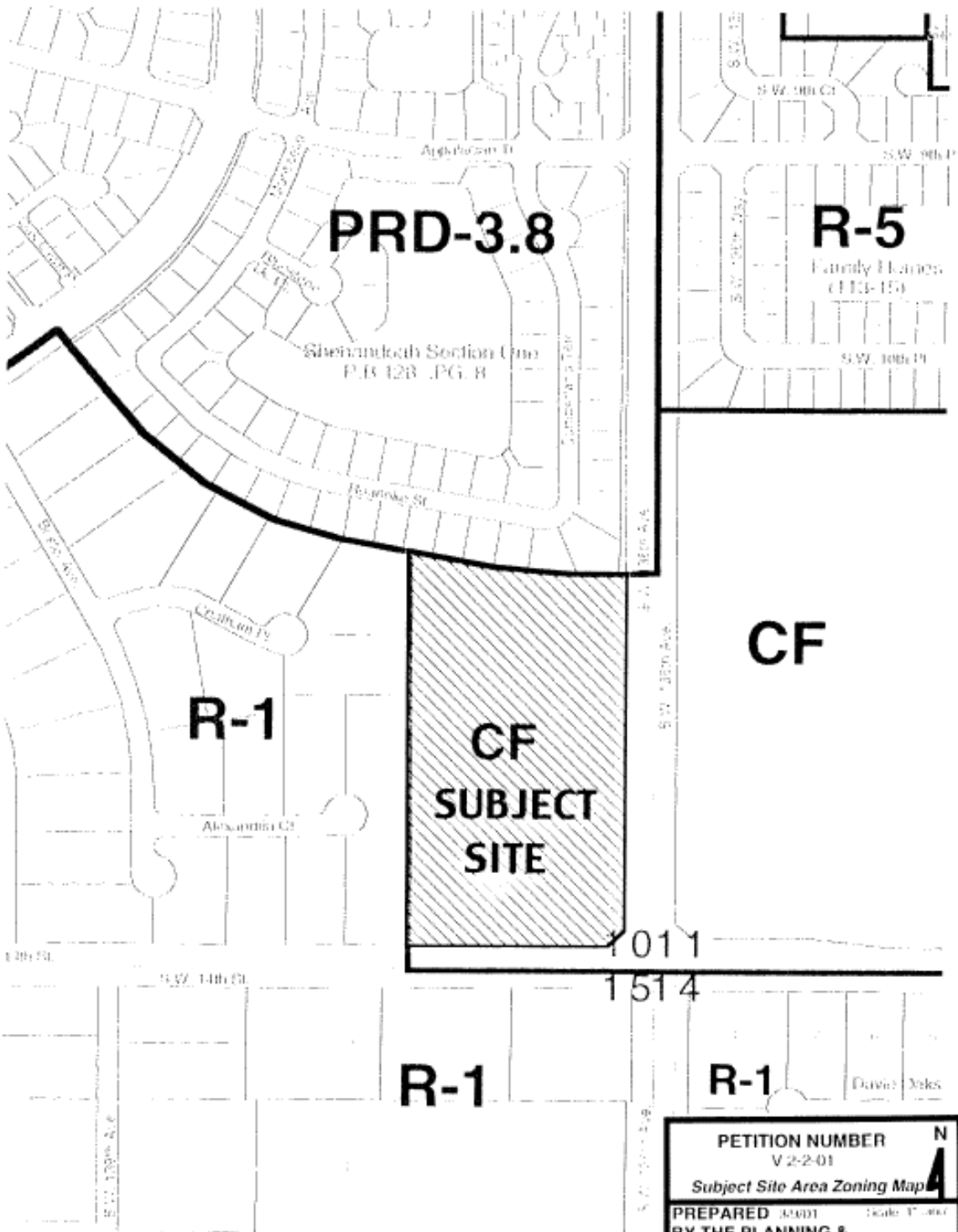
Sincerely,

Jeffrey L. Evans, R.A., NCARB
President

ARCHITECTURE AND PLANNING

13730 State Road 94 • Suite 221 • Davie, Florida 33325-5804 • (954) 474-6974 • Fax: (954) 474-4390





PETITION NUMBER
V 2-2-01

Subject Site Area Zoning Map

PREPARED BY THE PLANNING & ZONING DIVISION

N

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